

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

05073

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number		Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

05073

OR

<input type="checkbox"/>	Firm or Individual Name			
Address				
City		State	Zip	
Country				
Telephone			Email	

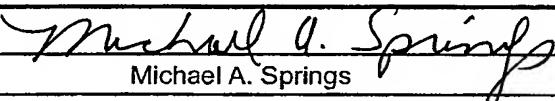
### Assignee Name and Address:

Merrill Lynch & Co., Inc.  
4 World Financial Center  
New York, New York 10080

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	18 Aug. 2009
Name	Michael A. Springs	Telephone	
Title	Assistant General Counsel		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: James R. Birle, Jr., et al.Application No./Patent No.: 10/064,745 Filed/Issue Date: August 12, 2002

Entitled: Convertible Financial Instruments with Contingent Payments

Merrill Lynch & Co., Inc., a Corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest  
 (The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

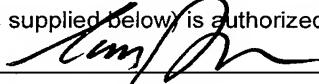
1. From: James R. Birle, Jr. To: Merrill Lynch & Co., Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 013367, Frame 0586, or for which a copy thereof is attached.
2. From: Emerson Philip Jones To: Merrill Lynch & Co., Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 018708, Frame 0418, or for which a copy thereof is attached.
3. From: David K. Dolan To: Merrill Lynch & Co., Inc.  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 013367, Frame 0620, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

September 22, 2009

Date

Samir A. Bhavsar214.953.6581

Printed or Typed Name

Telephone Number

Attorney of Record for Merrill Lynch & Co., Inc.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**STATEMENT UNDER 37 CFR 3.73(b)**

**Chain of Title Supplemental Sheet**

4. From: Jeffrey N. Edwards To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013367, Frame 0651, or for which a copy thereof is attached.
5. From: Stuart C. Kaperst To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013367, Frame 0749, or for which a copy thereof is attached.
6. From: Daniel Y. Kerstein To: Merrill Lynch & Co., Inc.  
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7. From: Dragomir K. Koley To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013367, Frame 0853, or for which a copy thereof is attached.
8. From: Thomas H. Patrick, Jr. To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013367, Frame 0945, or for which a copy thereof is attached.
9. From: Russell L. Stein To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013368, Frame 0066, or for which a copy thereof is attached.
10. From: Eric Steifman To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013368, Frame 0087, or for which a copy thereof is attached.
11. From: Brennan J. Warble To: Merrill Lynch & Co., Inc.  
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12. From: Robert A. Rudnick To: Merrill Lynch & Co., Inc.  
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13. From: Frank R. Strong To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013368, Frame 0208, or for which a copy thereof is attached.
14. From: Todd K. Kaplan To: Merrill Lynch & Co., Inc.  
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**STATEMENT UNDER 37 CFR 3.73(b)**

**Chain of Title Supplemental Sheet (con't)**

15. From: Richard P. Luciano To: Merrill Lynch & Co., Inc.  
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16. From: Richard J. Green To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013368, Frame 0153, or for which a copy thereof is attached.
17. From: Yonathan Epelbaum To: Merrill Lynch & Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 013367, Frame 0663, or for which a copy thereof is attached.
18. From: Frederick J. Fiddle To: Merrill Lynch & Co., Inc.  
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19. From: Paul A. Pepe To: Merrill Lynch & Co., Inc.  
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